

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Bankruptcy Case No. 18-21199 JAD
	:	
Delmas F. Fresh and April D. Fresh,	:	Chapter 13
	:	
Debtors.	:	Document No.: <u>46</u>
	:	
Delmas F. Fresh and April D. Fresh,	:	Related to Document No.: <u>45</u>
	:	
Movants,	:	
	:	
vs.	:	
	:	
RONDA J. WINNECOUR, CHAPTER	:	
13 TRUSTEE,	:	
Respondents	:	

**ORDER CONFIRMING SALE OF PROPERTY**  
**FREE AND DIVESTED OF LIENS**

\_\_\_\_\_ANDNOW, this 25th day of October 2018, on consideration of the Debtors, Delmas F. Fresh and April D. Fresh, Motion for Sale of Property Free and Divested of Liens to Darrell Fox and Glenda Fox, c/o Phillip D. Mooney, Reeder and Shuman, 256 High Street, P.O. Box 842, Morgantown, WV 26507-0842, for \$6,500.00, after service all appropriate parties and there being no objections regarding said Motion the Court finds:

- (1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above-named Respondents was effected on the following secured creditors whose liens are recited in said Motion for Sale, via:

DATE AND MEANS OF SERVICE

NAME OF RESPONDENT

BY ELECTRONIC NOTICE  
on September 25, 2018

Ronda J. Winnecour, Esquire  
Chapter 13 Trustee  
3250 USX Tower  
600 Grant Street  
Pittsburgh, PA 15219

Certificate of Notice Page 2 of 4  
United States Trustee's Office  
Suite 970, Liberty Center  
1001 Liberty Avenue  
Pittsburgh, PA 15222

BY FIRST CLASS MAIL  
on September 25, 2018

Darrell Fox and Glenda Fox  
c/o Phillip D. Mooney  
Reeder and Shuman  
256 High Street  
P.O. Box 842  
Morgantown, WV 26507-0842  
Purchasers

- (2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movants as shown by the certificate of service duly filed and that the named parties were served with the Motion.
- (3) That said hearing was conducted as a private sale without publication pursuant to W.P.A.LBR 6004-2.
- (4) That at the sale hearing no higher offers were received and no objections to the sale were made which would result in the cancellation of said sale.
- (5) That the price of \$6,500.00 offered by Darrell Fox and Glenda Fox, is a full and fair price for the Debtors interest in the real property in question.
- (6) That the buyers are acting in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.* 788 F2d 142 (C.A.3, 1986).

**IT IS ORDERED, ADJUDGED AND DECREED** that the sale by General Warranty Deed of Debtors' interest in real property described in the Motion, 450 Big Bear Lake Road, Lot 267, Bruceton Mills, Preston County, West Virginia is hereby confirmed to Darrell Fox and Glenda Fox, for \$6,500.00, free and divested of the liens herein described; and that the Debtors, are authorized to execute and deliver to the purchaser above named the necessary deed and/or other documents required to transfer title to the real and personal property purchased upon compliance with the terms of sale;

**IT IS FURTHER ORDERED** that the above recited liens and claims be, and they hereby are, transferred to the proceeds of the sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims; and, that after due notice to the claimants and lien creditors, and no objection on their parts having been made, the incidental and related costs of sale and of the within bankruptcy proceedings, shall be paid in advance of any distribution to said lien creditors;

**FURTHER ORDERED** that the following expenses/costs shall immediately be paid at the time of closing. ***Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions***, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order;

- (1) The following liens/claims: None
- (2) Delinquent real estate taxes, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) The costs of local newspaper advertising; N/A
- (5) The costs of legal journal advertising; N/A
- (6) Court approved attorney fees in the amount of \$750.00, payable to: Zebley Mehalov & White, P.C.;
- (7) The "net proceeds" from the closing as identified on the HUD-1 to Debtors, Delmas F. Fresh and April D. Fresh.
- (8) Other: n/a.

**FURTHER ORDERED** that:

- (1) Closing shall occur within thirty (30) days of this Order and, ***within five (5) days following closing***, the Movant/Plaintiff shall file a report of sale which shall include a copy of the HUD-1 or other Settlement Statement;
- (2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and
- (3) ***Within five (5) days of the date of this Order***, the Movant/Plaintiff shall serve a copy of the within Order on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.
- (4) The previous Order Confirming Sale of Property Free and Divested of Liens dated October 23, 2018 and filed at ECF #45 is vacated

  
\_\_\_\_\_  
United States Bankruptcy Judge

FILED  
10/25/18 11:03 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Delmas F. Fresh  
April D. Fresh  
Debtors

Case No. 18-21199-JAD  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: lkat  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Oct 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 28, 2018.

db/jdb #+Delmas F. Fresh, April D. Fresh, 267 Hardin Hollow Road, Smithfield, PA 15478-1527

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 28, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2018 at the address(es) listed below:

Daniel R. White on behalf of Joint Debtor April D. Fresh dwhite@zeblaw.com,  
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com  
Daniel R. White on behalf of Debtor Delmas F. Fresh dwhite@zeblaw.com,  
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com  
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5